

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

RONALDO DESIGNER JEWELRY, INC.

PLAINTIFF

V.

NO. 1:17-CV-2-DMB-DAS

**JAMES B. COX and CATHERINE A. COX
d/b/a JC DESIGNS d/b/a WIRE N RINGS
and JOHN DOE a/k/a LEROY and JOHN
DOES Numbers 1 through 99**

DEFENDANTS

ORDER

On January 30, 2019, the defendants filed a motion for summary judgment on specific claims in this case. Doc. #253. Since then, the Court has ruled as inadmissible, in whole or part, specific exhibits relied on by both parties in their briefing on the motion. *See* Docs. #374, #375, #376. Because these evidentiary rulings necessarily impact the summary judgment arguments advanced by the parties, the defendants' motion for summary judgment [253] is **DENIED without prejudice**. *See generally Martin v. Blaser Swisslube, Inc.*, No. 03-6116, 2005 WL 345291, at *7 (D.N.J. Dec. 16, 2005). ("A motion for summary judgment should be denied without prejudice pending the outcome of a *Daubert* hearing, when disposition of the motion depends on a determination of the admissibility of expert testimony."). The defendants may refile their motion for summary judgment within fourteen (14) days of this order. The refiled motion may not seek summary judgment on additional claims or advance arguments not made in the original filing.

SO ORDERED, this 6th day of March, 2020.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE